Preserve

App. F. IX-4

33

Previous References

1933 (Muzrai)

File No. 191

Serial Nos. 1-6

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 6

Part B for January 19

SUBJECT.

Appeal re the celebration of Utsava and Abhisheka to Hindi Maramma at Agara Yelandur Taluk

---

To Mr S. Krishna Rao Advocate Mysore

No 970 d 8-1-34

WD 01965—GPB—15,000—7-7-34

Agrees with the Commr's order and states that the performance of seva should so arranged as not to clash with the conduct [illegible] of Jatra the usual time

Appeal against the decision of the M.C re: the celebration of Utsava and Abhisheka to Hindimaramma at Agara Yelandur Taluk.

General and Revenue Secretariat Muz File No. 196 of 1933-4 [App. F. III—2

Serial No.

1 Petition of 5-2-34 from Gowdike Rudrappa and Ardhanarappa appealing against the orders of the Muzrai Commissioner in Muz. Appl no 9 of 32-33 on the file of his Court in the matter of the celebration of Utsava and Abhisheka to Sri Hindimaramma deity at Agara Yelandur Taluk from the interest accruing on the Endowment Fund deposited by the Parivars

2 Petition of 5/2/34 filed by Mrs Nirle Lakshminarasappa Advocate Bangalore City on behalf of the appellants referred to therein praying for a stay of the orders passed by the Muzrai Commissioner.

3 1 The M.C. passed his decision in the case on 27-12-33. The petition is sufficiently stamped and preferred in time.

2 It is for orders if the appeal may be admitted and records called for.

The M.C. has clearly pointed out that the Instn is a Muz. one & [illegible] the Abhishekam etc out of the interest etc on the Endowment by the Parivar Community is not only [illegible] In the

NOTE—Contn. Sheet. W.P. 0491—G.P.B.—15,000—12-10-32

2) Appeal against the orders of the M.C. re: the celebration of Utsava and Abhisheka to Hindimaramma at Agara-Yelandur Tk & the prayer for a stay order 88

Muz File No. 196 of 1933 General and Revenue Secretariat

Serial No.

4 Orders prayed for ~~[illegible]~~ is for orders—

G.S [illegible] 13/2

5) 1. The records may be called for.

2. Pending disposal of the appeal before Govt the orders of the M.C. may be stayed for reasons explained in the affidavit presented as enclosure to Pnd II

88 14/2/34

Pl. Secy)

2nd Mr)

14/2

15/2

16/2

19/2

7 Memo of forwardal to M.C. calling for records as directed in 4.1 supra. is for Minister's signature.

8 As regards 4-2 supra draft submitted—

G.S [illegible] 20/2

9 Issue 21/2

No 1145 dt 23-2-34 to the Muzrai Commissioner calling for records— 3

No 1146 dt 23.2-34 to the Muzrai intimating the grant of a stay order in respect of the decision given by him in the Muzrai appeal case referred to therein

Memo No 1147 dt 23.2-34 to Messrs

P. U. O I

No. 5135

TYPING 22 FEB 1934 GEN & REV SECTT

Muz. Appl.

General and Revenue Secretariat Muz File No. of 193 . [App. F. III—2

Serial No.

Note N. Lakshminaranappa and S. Krishnaswami Rao Advocates for the applicants intimating that the Muzrai Commissioner has been asked to stay the orders passed by him in the appeal case referred to therein.

Letter No. 1144/33-34 of 2/4/34 from the Muzrai Commissioner submitting records connected with the appeal relating to the celebration of Utsava and Abhisheka in the Hiri Maramma temple at Agara Yelandur Taluk.

Seen 12/5

i This is not included in the list of cases posted for the 23rd inst. of appl. This will be resubmitted with before seeking orders of posting.

G.S. 11/5

Yes - early please
12/5

ii The facts of the case are as set forth in the preamble portion of Muzrai case No. H 4487/31 of 27-7-1932 on the file of the Muz. Commr. His decision in the case is based on the supposition that the institution in question is not a Muzrai Instn., as no mention of any Inam having been granted in favour of the Instn. is made in ~~~~ of the Survey Dept. The non-mention of Hiri Maramma temple [illegible] the Inam in the Inam Registers

Serial No.

~~by~~ his decision of 27-12-33 is due to the fact that the Inam settlement has not taken place in the Yelandur Tk. where the Instn. is. In Jodidars patrike relating to Agara Hobli, a land grant of 28 guntas as Devadaya Inam for the maintenance of the Instn. is confirmed. If it were a gift by the Jodidar himself as stated in para 2 of the D.C's of 27-7-32, the grant would not be termed a Devadaya one. × H × N × T

13 The petrs. in para 2 of their appl. petn. contend that no Inam is granted to the Instn. & it is said their contention is not acceptable in the circumstances set forth in para 12 of

14 It is found from records that Parivars are as good devotees of the Instn. as any other secn. of the Hindu Community of the place & the acceptance of a [illegible] endowment made by them is in order.

15 The other objection raised by the petrs. — vide para 3 of P.W.D. is in respect of the timing of the Ceremony. — The endowment of Rs 150 is made subject to the performance of Abhisheka and Utsava on the first day of "Kartika" (vide [illegible] petn. of 26-4-26) The leading residents of Agara viz Mariduram, Malur

Serial No.

Sevam [illegible]
others have stated in
O/ 14.3.27 that there
to the performance
services in the temple [illegible] [illegible]
for by Chikkamaran
+ petn of 26.11.26. The Jatra [illegible] the car
is found to take place on the [illegible] & the
2nd ~~of~~ day of Karthika [illegible]. [illegible]
as seen from a petn [illegible] 20
addressed to the [illegible]
of both Agama [illegible]
in making the Jatra success
The main cause of dispute
appears to be that the abhisheka
& utsavam from out of interest on the
Pradhan Endowment of Rs 150/- by one
of the Pai[illegible] [illegible] fall on the
very day on which the [illegible]
Jatra of the deity commences - this
is a matter to be settled after by a conference
between the or by the
arranging the
to take place in a manner
one would [illegible]
It is for orders of the [illegible]
passed [illegible] a [illegible]
orders [illegible] also.
G S
[illegible]) The case may perhaps be [illegible]

are disposed of. As 10 cases have already been posted for hearing on the 4th Aug 34, the date fixed for the next hearing of cases, this case may be heard on such later date as may be fixed for the hearing of Muzrai cases. A Separate note will be submitted giving the full facts of the case before the date of hearing

14/7/34

11 Member)

17th Augt -

17/7

17/7

Case was called on Saturday the 29th Sept 1934. The advocates for both the parties were present and at the request of the advocate for the appellants the case has been adjourned for a hearing at Mysore during Dasara ~~session~~.

29/9

The case was called on Wednesday the 17th Octr 1934. The counsel for the appellants (Mr. Narasimhaswami Rao) was present & heard. Mr. B. V. Rama Rao Advocate appeared for the respondent & was heard. Orders reserved

4496
17/10

17/10/34

Muz Appl no 26 of 1933 ~~390~~

General and Revenue Secretariat Muzrai File No. 196 of 193~~3~~4 [App. F. III-

Serial No.	
	Order
	21) I agree with the Muz Comr's order. It sd be further laid down th the perfce of this seva sd be so arranged as not to ~~not~~ clash with the Condt of the Jatra at the usual time. The D.C may ~~sd~~ give ~~ins~~ necessary instruction that the seva may be performed subject to this Condn
	J.O.R 26/12
	2/1/35
	22)
	23) Fc 3/1/35
6	No 970 of 8-1-35 to Mr S Krishnaswami Rao Advocate for the appellants forwarding Copy of the decision passed in the appeal case.
	No 971 of 8.1.35 to Mr D. V. Rama Rao advocate for the respondent forwarding Copy of the above —
	No 972 of 8.1.35 forwarding for information and necessary action

NOTE—Contn Sheet

Muz Appl no 26 of 33-34 1090

Muz File No. 196 of 1933

General and Revenue
Secretariat

Copy of the orders passed on the appeal case - and returning records received from him on the subject

B
17/1

COURT FEE
TWO RUPEES

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE, BANGALORE.
Muzrai Appeal No. 26 of 1933-34.

--

APPELLANTS.- 1. Gowdike Rudrappa, son of Veerappa, Agriculturist, Veerasaiva by caste, residing at Agara village, - Yelandur Taluq.

2. Ardhanarappa, son of Rama Setty, Weaver, Devanga by caste, residing at Mamballi Village, Yelandur Tq.

-VS.-
**

RESPONDENT.- Chikkamadanaika, Yejman of Parivar caste, Agriculturist, residing at Agara village, Yelandur Taluq.

--

The appellants named above beg to prefer this appeal against the order of the Muzrai Commissioner in Mysore, Bangalore, in appeal No.9/32-33 on the file of his Court on the following grounds.-

1. The Learned ~~Revenue~~ Muzrai Commissioner should have been pleased to grant an adjournment to the Learned Counsel for the appellant who was the respondent before him, to argue his client's case, as the said advocate who is also a Municipal Councillor at Mysore, was held up ~~by then~~ there in connection with the Vice-regal visit.

2. The Learned Revenue Commissioner erred in holding that the institution in question attracted the provision of the

Religious and Charitable Institution Regulation of 1927. There was no grant of any - Inam by the Government and hence it could not be subjected to the incidents of the said - Regulation.

3. Even otherwise, the request of the Parivars should ~~ha~~ not have been granted as against the wishes of the overwhelmingly large majority of all the other communities of the ~~said~~ villages and also against the time-honoured mamool especially in view of the fact that the timing of the ceremony was so fixed and that deliberately as to squeeze out the function connected with the annual Jatra the celebration of which is being -- systematically thwarted by these very Parivars.

4. In any event ~~thus~~ The the grant of the request should have been conditioned upon the ceremony being performed as usual -- through the Setties and Yejmans of the villages and after the completion of the necessary -- "Dhulothsvam" which could not take place on - account of the obstructions of the Parivars during the Jatra in 1926.

M. M. N. Laxshminarayanappa

ADVOCATE FOR APPELLANT.

OFFICE C 1144/33-34. 24 FEB 1934

No 1457/Mu 3196-33-34 23-2-34 5-2-34

Forwarded with compliments to the Muzrai Commissioner for favour of submitting the entire records connected with the appeal here.

By order

[illegible] 21/2/34

for Financial Secretary

315

M. L. N. Appa
5/2/34

TWO RUPEES

Before the Govt of His Highness the

~~In the Chief Court of Mysore, Bangalore~~

Maharaja of Mysore, Bangalore

Misc. Appeal ~~Petition~~ No. OF 1933-1934

APPELLANT, ~~PETITIONER~~ RESPONDENT, ~~OPPONENT~~

1) Gowdike Rudrappa
2) Ardhanarappa

Vs.

C. Chikka [illegible] Naika

1. We the appellants abovenamed do, by these presents, retain **Mirle N. Lakshmi Naranappa, Esq.,** B A., LL.B, Advocate, and S. Krishnaswami Rao Advocate Mysore to appear for and conduct the above case on ~~my~~ our behalf to judgment

2. ~~I~~ We further empower him to execute any decree, or order that may be passed in ~~my~~ our behalf, and to receive from Court such sums of money as ~~I~~ we may be entitled to get and to grant receipts therefor.

3. ~~I~~ We also undertake to confirm and ratify all the legal acts done by the said Advocates in so doing

Dated 5-2-1934

[illegible]

ACCEPTED.

Mirle Lakshmi Naranappa

~~Advocate for~~

S. T. Krishnaswami Rao
Advocate for appellants

Signed before me and personally known to me.

S. T. Krishnaswami Rao
Advocate

MYSORE COURT FEE
EIGHT ANNAS

In the Court of the Muzrai Commissioner in Mysore
Bangalore

Appeal No. 9/32-33

Appellant. —	Vs	Respondents. —
Chikkamadanaika, Yajaman of Parivar Caste, Agara Village, Yelandur Taluk		1. Gowdike Rudrappa, Agara Village, Yelandur Taluk, 2. Ardhanarappa, Dasava-setty, Mambulli Village, Yelandur Taluk

Subject

Appeal against the order of the Deputy Commissioner, Mysore District, in the matter of the celebration of utsava and Abhisheka to Hindimaramma deity at Agara, Yelandur Taluk, from the interest accruing on the Provident Fund deposited by the Parivars

Facts of the Case.

It is seen from the Survey records that the Hindimaramma temple at Agara is endowed with 28 guntas of Devadaya inam for its support. Consequent on the stoppage of a jatra used to be held under the auspices of the deity on account of a dispute about Mariyades to be shown to the Adikarnatakas, the Parivars headed by the appellant offered an endowment of — Rs 150/- for utsava and Abhisheka to the deity in November 1926 The Jaghirdar accepted the endowment deposit and invested the same in a private bank. The performance of the seva was however protested by some of the residents on the ground that it was against mamool. One Sahukar Sivabasavadevaru alleged —

that the Taluk authorities had nothing to do with the management of the temple and that the utsavam by the parivars was likely to disturb public peace The Abhishekam ceremony was stopped and after further enquiry the Amildar came to the conclusion that the temple was a Muzrai institution subject to the control of the Jaghirdar since it was in the enjoyment of devadaya land He further passed orders in his magisterial capacity that the utsava may be held. After once being remanded the matter went in appeal to the District Magistrate, who ordered that the interest realised on the puduvat might be spent on Abhishekam and utsavam and that the utsava may be conducted earlier so as not to clash with the jatra The matter went up to Government and they in their order dated 5-11-31 dismissed the appeal on the ground that there was no point for adjudication The appellant (Chikkamadanaika) petitioned the Sub Division Officer that his puduvat seva might be conducted and it was accordingly arranged to be performed on 4-12-31 The respondents petitioned the Assistant Commissioner and the Deputy Commissioner stating that this was a question to be decided on the Muzrai side — On this, the Deputy Commissioner ordered that the act whether the temple was a Muzrai institution nd whether the seva could be performed may be etermined. In the meanwhile, on successive etitions of the parties, the Deputy Commissioner imself considered the matter and passed orders n 27-7-32 to the effect that the temple was not a uzrai institution as there was no mention of the inam the temple in the Inam Register of the Survey Department, that the Jaghirdar had no control over the temple nd that neither the Sub Division Officer nor the Amildar ould interfere either as Muzrai Officer or as representing e Jaghirdar in the affairs of the temple

Hence the present appeal.

The case came up for hearing on 5-12-33. Mr D.V. Rama Rau, Advocate for appellants was heard. The Respondents' Counsel, Mr. S. Krishna Swami Rau has written and wired to say that he is unable to be present on the date of hearing and asks for an adjournment. The adjournment was refused as the notice of hearing was served on the respondents on 18-11-33

Order dated. 27-12-33.

The temple is in the enjoyment of Devadaya Inam land which was recorded as such during Survey settlement. If it does not find a place in the Inam Register it is only because Inam Settlement has not taken place in the Taluk. The temple therefore is a Muzrai institution and has been treated as such by the Jaghir authorities. The acceptance of a Provat endowment from the Parivars who are evidently devotees of the temple deity cannot be said to be irregular in these circumstances nor can the obligation to perform the stipulated Abhishekam and Utsavam disowned by the Muzrai Officers, so long as these celebrations do not involve animal sacrifices or other objectionable rites which Government Officers cannot countenance.

Sdf. N. Madhava Rau,
Muzrai Commissioner

JAN 1934

Copy applied by - Mr S Krishnaswami Rao
Copy applied on - 22 1 34
Copy delivered on -
Copied by - W [illegible]
Compared by - S Jayaramarao
No of words - 620
Copying fee - 0-14-0
Comparing fee - 0-3-6
1-1-6
[illegible]
[illegible]

" Copy "

V Venkanna Bhatta
27 1 34
for Manager
Muz: Commr's Office
Bangalore

In the Court of the Deputy Commissioner Mysore District

Muzrai Mis case No. M. 448/31.

Present:- S. Abdul Wajid, Esquire, B.A.,
Deputy Commissioner.

Dated this 27 day of July 1932.

Petitioners.	vs	Counter Petitioners
1) Gowdike Rudrappa residing at Agara. Annadanarasappa and Desa Setty, residing at Mamballi (Represented by Mr. S. Krishnaswamy Rao.)		Chikka Sanda Naika, residing at Agara (R.. . K.S Rama Rao, and Mr. K. Ramaswamy.)

MYSORE DISTRICT

Facts of the case.

This is a case relating to the celebration of Utsavam and Abhishekam to the Hindimaramma Deity at Agara from the Gudwat fund deposited by the [illegible] of the village.

There is a Temple known as Hindimaramma in Agara, Yelandur Taluk, which is owning an extent of 0-28 guntas of Saradaya [illegible] its support. A jatra was being celebrated annually during the month of 'Karthika' till the year 1921 for a couple of days, and the people of Agara, Mamballi, and their adjoining villages used to participate in the function. During the year 1922 one Maridevan of Parivar Community, who was invested with 'Gowdike' was removed at a meeting of the leading persons and another Huchiramane Madappa selected for the Gowdike honour. The Parivars who sided the former refused to take part in the jatra, and hence it was stopped that year. The next two years 1923 and 1924 the jatra took place, and during 1925 there was again a break. In 1926 a license had been granted to Sesadasetti, Yejaman Gowda of Agara for the celebration of the jatra. On the 3rd day of the function the Parivars raised an objection about the disappearance of the pig that had been kept for sacrificial purposes and about the mariyada to be shown by them to the Adikaranalakar of Agara. As a result, the jatra was stopped and the matter has been under dispute till now. On 26.11.1926 Chikmada Naika on behalf of the Parivars petitioned the Amildar of Yelandur offering a sum of Rs. 100/- as an endowment for the performance of abhisheka and utsava of the Goddess on the first day of the month of Karthika. The endowment was accepted by the Jahagirdar and the amount invested in a private Bank at Chamarajanagar. As the day of seva during 1927 was nearing and as one

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT

years interest had not yet been accrued on the fixed deposit, Chikka [illegible] paid Rs. 10 8 0 28-9-27 with a petition requesting [illegible] of the Seva on 26-10-1927.

(2) One of the residents of Agara headed by [illegible] Subbamma presented a petition to the Amildar [illegible] against the performance of the Seva as it was against Mamool, and as the Utsavam was not arranged in consultation with all the communities of Agara. There was also a protest petition from Sahukar Sivabasavadevaru alleging that the Taluk authorities had nothing to do with the management of the temple, that the acceptance of the [illegible] amount had encouraged the Garivars to humiliate the other communities, and that the Utsavam by the Garivars was likely to disturb public peace. The Amildar went to the place and held an enquiry into the matter, the abhisheka had been duly conducted in the morning of the date fixed, but the Utsavam which had to take place was ordered to be stopped

Again Yejam Subbamma and others applied to the Amildar for the grant of license to celebrate the Jatra on 26th and 27th October 1927, but the Amildar refused to grant the same as there was no unanimity among the different [illegible] people. (vide his order dated 26-10-27)

They applied to the District Magistrate on 27-10 [illegible] observed on their petition that these [illegible]

COMMISSIONER'S OFFICE
MYSORE
DISTRICT

s the Amildar had not passed final orders. The petition as sent to the Amildar with a direction to conclude the enquiry n accordance with law, record a reasoned decision, and take ction accordingly.

The Amildar after holding necessary enquiry into the matter ordered on 7.2.29 that there was no doubt that the Temple in question was a Muzrai Institution as defined in clause 2(2)(i) of Regulation VII of 1927, subject to the control of the Jahagirdar as the Temple was in the enjoyment of Devadaya Inam land, and as the jahagir authorities had exercised the power of removing or appointing Nammadies of the Temple and, that he accordingly rejected the contention of Ijjamani Subbamma and others that the jahagir had no control over the Institution. The Amildar further directed the issue of a license to Mada Naika on behalf of the Parivars for celebrating the Utsavam with a stipulation that the Utsavam should be conducted on any day other than the Jatra days and the day previous to the Jatra.

Although this was a matter to be decided on the Muzrai side, the Amildar, Mr. Suryanarayana Rao, seems to have failed to notice this aspect of the case and passed an order on the Magisterial side (involving an issue that did not actually exist viz, the grant of a license to the Parivars) and this has led to the further proceedings of the case.

DEPUTY COMMISSIONER, MYSORE DISTRICT

Against the [illegible]

[illegible]

[illegible]

pres[illegible] of

[illegible]

back on the file of [illegible]

Petition [illegible]

on [illegible] 11 29 [illegible]

enquiring [illegible] office

that [illegible]

he being a subordinate officer

powers in relation to [illegible]

was [illegible] to [illegible]

This [illegible]

of [illegible] holding

[illegible] being held [illegible]

some years back on [illegible]

the [illegible]

[illegible] it

advisable in view [illegible]

between [illegible]

COMMISSIONER'S OFFICE
MYSORE
DISTRICT

[illegible] should not be granted. Against this order Vadanaika (Counter petitioner) on behalf of the [illegible], filed an appeal before the District Magistrate on the ground that the Sub Division Officer and First Class Magistrate did not confine himself to the exact order of the District Magistrate, that the Jatra affair should not have been clubbed with this case and that the respondent (present petitioners) had no manner of right or interest to [illegible] the arrangement of lease as between the appellants (present counter petitioner) and the Jahagirdar. The District Magistrate ordered that he considered that the action of the Amildar, Mr. Lakshmana Rao, in accepting the [illegible] was not wrong, that the interest realized thereon might be spent on the abhishekam and [illegible], and that the [illegible] should be performed earlier so as not to interfere with the taking in procession of the same deity for the Jatra purposes.

Against the order of the District Magistrate [illegible] and two others (present petitioners) appealed to Government and they in their order No. G. 2520/Pol 13-31-6 dated 5-11-31 dismissed the appeal with the remark that the order under appeal did not purport either to grant a license or to refuse to grant one to the respondents, and that there was no point which required a decision by Government as the counsel for the appellants had alleged.

DEPUTY COMMISSIONER'S OFFICE
MYSORE
DISTRICT

Station [illegible] to [illegible]

not been [illegible].

Again [illegible] [illegible] [illegible] 29 [illegible] 1931 [illegible] Assistant Commissioner in charge [illegible] [illegible] praying that he [illegible] [illegible] [illegible] [illegible] be conducted on 10-11-31. There was hardly [illegible] to get the interest from the bank and to arrange [illegible] performance of the [illegible] [illegible] [illegible] [illegible] as [illegible] accordingly. He again petitioned through his [illegible] on 19-11-31 praying that the seva might be arranged to be conducted on any Tuesday or Friday within the [illegible] of Karthika. As there was no prospect of the annual jatra taking place, and as the [illegible] [illegible] saw no objection to the grant of the [illegible], [illegible] Madeswaika, it was arranged to perform the [illegible] on Friday 4-12-1931. In the meantime Gowdike Rudrappa and two others (present [illegible]) presented a protest petition to the Assistant Commissioner on 1-12-31 but it was rejected. They approached the Deputy Commissioner on 2-12-31 contending that the [illegible] authorities had not any right to [illegible] [illegible] management of the temple, [illegible] [illegible] had [illegible] [illegible] authority to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the [illegible] of the opposite

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT

side in case it was held that the Temple was a Muzrai tution, and then prayed for the issue of a stay order. The Deputy Commissioner ordered on 3 12-31 to the effect that as the application of the petitioners recited that the Temple was i Institution, the fact might be determined as to whether it was so or not, and whether Government or the Jahagir authorities had a voice in its management before the abhishekam and utsavam are performed by Sirkar, and that if the management was not theirs, they need not take upon themselves the responsibility of having the utsavam performed. As a determination of the right of the Sirkar was necessary, in the light of the Deputy Commissioner's order, before the Sevas could be performed, the Assistant Commissioner held in abeyance the performance of the Sevas that had been arranged to be conducted on 4-12-31, pending such determination.

Chikkurada Naika (counter petitioner) has also represented that the petitioners ought to have made out their *prima facie* case before they prayed for a stay order, that the Amildar had held an enquiry that the Temple was a Muzrai Institution, that it would work great disappointment and injustice to the counter petitioners community people, if the stay order should be made absolute, and wherefore has prayed that the stay order might be

DEPUTY COMMISSIONER'S OFFICE
MYSORE
DISTRICT

cancelled and [illegible]

of Ijlandar directing to [illegible]

Swas at an early to [illegible].

—Order—

There is no [illegible] of [illegible]

temple at Agara [illegible]

the Survey department. The [illegible]

come under the head [illegible] as defined [illegible]

Religious and Charitable [illegible]

would give the Muzrai office a voice in the manage-

ment of its affairs. [illegible]

grants of land are [illegible] as service

to the temple and the archak of the [illegible]

enjoyment and possession of it [illegible] for the [illegible]

renders. The endowment [illegible] the jagirdar does not [illegible]

the jagirdar any exclusive right to [illegible]

It is admitted that the [illegible] before [illegible]

owing to the defection of [illegible]

managed by the [illegible] all the

Committee, who [illegible]

[illegible] and [illegible]

The payment of the [illegible]

to the jagirdar [illegible]

transf

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT

hitherto in the hands of the public representations with those of the jagirdar.

The Assistant commissioner or the deputy Amildar in the jagir could not interfere either as Muzrai officer or as representing the jagirdar in the affairs of this institution

The income from the endowment amount may be paid to those people who are declared to have the right to manage the temple. This may be left to be determined by the parties themselves either in a competent Court of law or by mutual agreement. The stay order directing the Assistant Commissioner not to have anything to do with the ootsavam or abhishekam is made absolute.

27th July 1932.

Sd/ B. Abdul wajid
Deputy Commissioner

Compared
Khn

"Copy"

DEPUTY COMMISSIONER'S OFFICE
MYSORE DISTRICT

By order
K. Narasimha Iyengar:
Muzrai Head Munshi

Copy applied on 30.8.32
Advance recd 14-9-32
Copy ready on 15-9-32
" delivered on 15-9-32.
No. of words 2117
Copying fee Rs 2-12-0
Comparing fee 0-11-0
Paper cost 0-0-6
Total 3-7-6

COURT FEE
TWO RUPEES

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE, BANGALORE.

--

Muzrai Appeal No.   of 33-34.

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APPELLANTS.- 1. Gowdike Rudrappa.
2. Ardhanarappa.

-VS.-

RESPONDENT.- Chikkamadanaika.

For the reasons stated in the accompanying affidavit, the appellants named above humbly pray that this honorable court may kindly be pleased to maintain the status quo ante by restraining the respondent from getting the order appealled against ~~executed~~ executed till the disposal of the appeal filed by ~~me~~ him this day.

Mul. N Lakshminaranappa
ADVOCATE FOR APPELLANT.

BEFORE THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE, BANGALORE.

--

Muzrai Appeal No.   of 33-34.

--

APPELLANTS- 1.Gowdike Rudrappa, Agara Village,
Yelandur Taluq.

2.Ardhanarappa, Desadasetty, Mamballi village, Yelandur Taluq.

-VS.-
**

RESPONDENT. Chikkamadanaika, Yejman of
Parivar caste, Agara Village,
Yelandur Taluq.

I Rudrappa named above solemnly - affirm as follows.-

1. I and the other appellant were the respondents before the Learned Muzrai - Commissioner whose order is now in appeal before this Court in a litigation which was - started between us as representatives of the entire population of the villages of Agara & Mamballi, Yelandur Taluq on the one side and the respondent as representative of a single community known as the Parivar. This litigation was started in 1922, went up to Government in one ~~Case~~ phase and has again been before the Government now in

another.

2. We wanted the Jatra to be celebrated in the usual way which would include the Adikarnatakas whereas Parivar community wanted to break the record by excluding -- them. The concerned authorities apprehending ~~thx~~ a breach of the peace, refused to issue the license ~~x~~ unless upon an agreed - proposal of the entire population. Such an agreement has not been come to till now.

3. The Parivars, with a view to ~~spy~~ Spite their opponents, placed a paltry sum of -- Rs.150/- as a deposit out of the interest of which a certain Oothsavam was suggested to be celebrated on the very day on which the annual Jatra should have but did not take place on - account of the obstructive attitude as described ~~above;~~ above, the performance was so timed on that day as to squeeze out the most essential functions connected with the said annual Jatra.

4. The Jahagirdars of the Yelandur Taluq where the village is situated, accepted the deposit. The rest of the population -- objected to the celebration of this Oothsavam on the ground that while the most important - Jatra has not been allowed to take place on - account of the attitude of the opponent, it is not fair that this minor ceremony should take place at their instance on that very day earmarked for the Jatra and at the very time -- that it should have taken place. It was also opposed on the ground that the opponent

was not entitled to invoke the Muzrai authorities at all on the sole ground of the acceptance of the deposit by the Jatra as the institution where the ceremony was suggested to be celebrated, was not a Muzrai institution at all within the meaning of the interpretation clause in the Religious and Charitable Institutions Regulation of 1927, as there has been no Government grant of any kind either in money or in species ~~has been made~~ in respect of this institution.

The Learned Deputy Commissioner was pleased to uphold our petition and dismiss the respondent's appeal before him.

5. Thereupon, the respondent filed the appeal before the Learned Muzrai Commissioner. I engaged Mr. S.Krishnaswami Rao, an advocate practising at Mysore and who has been in charge of the litigation almost from its inception down to this day. He has been also a Municipal Councillor of good standing. The appeal was fixed for hearing for the first time before the Learned Muzrai Commissioner on the 5th of December 1933. He could not be present at Bangalore, to argue his client's case as he was held up at Mysore in his capacity as Municipal Councillor by reason of the Viceregal visit to the Capital at that time. He wrote a letter and also telegraphed to the Learned - Muzrai Commissioner. His client also appeared in person before the said Learned Officer and pleaded the inability of his Councel to - argue the case on that day and requested a

very short adjournment to bring hi~~s~~m ~~Council~~. Unfortunately, for me, the adjournment was not granted and the appeal was heard and disposed of against me.

6. Besides the question of the - very jurisdiction of the Muzrai Officers~~x~~ to deal with ~~this~~ these matters concerning ~~t~~ the institution, I have raised two other ~~p~~ points in the accompanying appeal memo filed this day. They are, that in case the ceremony should be allowed to be performed, it may be so done upon the condition that the machinary employed on such occasion should be made use of in this instance also and secondly, that the Dhulothsavam ceremony which always gives the finishing stroke for all the ceremonies connected with the Jatra and which has not been performed from 1926 till now on account of the attitude of the respondent who obstructed the further progress of the Jatra then, must be allowed to be performed now before the ceremony suggested by the said respondent, should be done.

7. After the order passed by the Learned Muzrai Commissioner, the opponents have been getting very active to hasten the celebration of the intended ceremony. I and those whom I represent, honestly believe, and I submit, rightly believe that the celebration of this ceremony, without its being preceeded by the Dhulothsavam mentioned above will be forboarding of great disaster to us, to ou cattle and to our crops. Also it will

be difficult to restrain the more ignorant of us from stepping beyond the legitimate bounds of Law and Order to resist the celebration of the ceremony on account of the feeling having been running so high between the two sets of the opposing parties. I venture to submit also that the celebration of the Oothsavam may impose some strain on the executive both before, at the time of and subsequent to the date intended to be fixed for the ceremony in order to maintain peace at that period. Lastly, there is no imperative urge for the opponents to celebrate the Oothsavam immediately ~~have been~~ even before the appeal be disposed of except it be that they wish to celebrate in the -- locality the triumph they have achieved at the hands of the courts below.

8. Under these circumstances, it is essential in the interest of justice and fairplay to maintain the status quo ante by restraining the opponent from getting the - order appealled against executed till the disposal of the appeal filed by me this day.

I, the appellant named above solemnly affirm that what is stated in ~~the~~ paras 1 to 8 n the above, is true to the best of my knowledge na information in token where of I have affix- a my signature hereunder, this day of anuary 1934 at Bangalore.

SWORN TO BEFORE ME

20.1.34

SUBJECT ....

Section M-3
File No. M96 – 33
Serial No. 4

Diary No. of letter replied to ....

No. 114

To

The M-C

General and Revenue Secretariat
( )
the 193 .

Date of issue 23/2/34

Signed by W B Mudde Krishnappa

Sir,

I am directed to state that your orders in Muz ABM No 9/32-33 re: the celebration of utsava abhisheka to Sri Hindi ammanavaru at Agara Yelandur Tk from the interest accruing on the Provincial Fund deposit by the Parivars, may be held in abeyance pending disposal of the appeal

preferred before

against your orders

I have etc

List of enclosures ....

WR 3/2

Copied by ....

by Gowdike Rudrappa
+ Krishnappa

Examined by ....

WD 0577 -G PB—15,000—9-11-33

114 ∮ 23-2-34.

Copy to Messrs Mirle N. Lakshmi Naranappa, & B. S. Krishnaswami Rao ~~Advocates~~, Chickpet, Bangalore City

for the appellants.

B-O

33

for Force

20/

NO. 1144 Enc 2 Files
22-34

090 OFFICE OF THE ~~REVENUE~~ Muzrai COMMISSIONER (34
IN MYSORE,

Dated, Bangalore, 31st March 1934
2/4.

FROM

N. Madava Rau., Esq., B. A., B.L
~~Revenue~~ *Commissioner in Mysore*
Muzrai

To

S. Shamanna, Esq., B.A.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Financial Department.
2/4
3/4

SIR,

With reference to your memo No.1145/Muz.196-33-3- dated 23rd February 1934, calling for the records relating to the celebration of utsava and Abhisheka in the Hindimaramma temple at Agara, Yelandur Taluk, out of the interest accruing on the puduvat fund deposited by the parivars, I have the honour to forward herewith the entire records received with the Mysore Deputy Commissioner's letter No.H.830/33 dated 21st March 1934 (copy enclosed) together with this office file No.App.9/32-33 dated 5th January 1934 and to state that the facts of the case have been set forth clearly in this office order dated 27th December 1933. The appeal petition received with your memo is herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,
N Madava Rau
Muzrai Commissioner.

Letter No.H.380/33 dated 21st March 1934 from the Deputy Commissioner Mysore District to the Muzrai Commissioner in Mysore.

Utsava and Abhisheka-Hindi Maramma temple - Agara, Yelandur Taluk
appeal by Gowdike Rudrappa.

With reference to your official memorandum No.1144 of 33-34 dated 24th February 1934, I have the honour to submit herewith the file of records relating to the above appeal and to state that the facts of the case are explained in this office order No.H.448/31 dated 27th July 1932 and your order No.Appeal 9 of 32-33 dated 17th December 1933 copies of which are in the records.

2. The stay order granted by Government has been duly communicated to the Amildar, Yelandur.

3. The appeal petition and its enclosures are retrnasmitted herewith.

"Copy"

For Muzrai Commissioner.

on file.
I [illegible] him
[illegible] next date of
hearing to be
intimated to him
17/8/34

GENL [illegible] 207
20 AUG 1934
MUZRAI BRANCH

COURT FEE
MYSORE
TWO RUPEES

ಮೈಸೂರು ಶ್ರೀ ಮುಜರಾಯಿ [illegible] **ಕೋರ್ಟಿನಲ್ಲಿ**

ಸನ್ **1933—1934 ನೇ ಇಸವಿ** Muz. Appl 26 **ಮೊಕದ್ದಮಾ ನಂಬರು**

[illegible] **ವಾದಿ, ~~ಫಿರ್ಯಾದಿ, ಅರ್ಜಿದಾರ್~~** [illegible] **ಪ್ರತಿವಾದಿ, ಅಪರಾಧಿ, ~~ಅಪೊನೆಂಟು~~**

[illegible] **VS** [illegible]

ನಂಜನಗೂಡಿನಲ್ಲಿರುವ ಡಿ. ~~ಶೇಷಗಿರಿರಾವ್, ಫಸ್ಟ್‌ಗ್ರೇಡ್ ಪ್ಲೀಡರು~~ ಮತ್ತು
ಡಿ. ವಿ. ರಾಮರಾವ್, ಬಿ. ಎ., ಬಿ. ಎಲ್., **ಅಡ್ವೊಕೇಟು ಇವರಿಗೆ**
[illegible] **ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ನಾಮಾ.**

ಮೇಲ್ಕಂಡ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ~~ನಮ್ಮ~~ ಪರವಾಗಿ ಆಖೈರುವರೆಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ~~ನಮ್ಮ~~ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರೀಕ್ರಮ ವಗೈರೆಗಳನ್ನೂ ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ~~ನಮಗೆ~~ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಮತ್ತು ರೀಫಂಡಾಗತಕ್ಕ ಮೊಬಲಗು ಮತ್ತು ಸ್ಟಾಂಪನ್ನು ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಮತ್ತು ಈ ಸಂಬಂಧವಾದ ಇತರ ಕಾರ್ಯಗಳನ್ನು ಮಾಡುವುದಕ್ಕೂ, ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರವನ್ನು ಕೊಟ್ಟಿರುತ್ತೇನೆ ~~ವೆ~~.

ಈ ಆಧಾರದಮೇಲೆ ತಾವಾಗಲೀ, ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ಡಿಟ್ಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನು ನಾನು ~~ನಾವು~~ ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾ ~~ರಾ~~ ಗಿರುತ್ತೇನೆ ~~ವೆ~~. ನನ್ನ ~~ನಮ್ಮ~~ ಬಾಬ್ತು ಫೀಜು ಬಾಕಿ ಬಿದ್ದಲ್ಲಿ ತಾವು ಮೊಕದ್ದಮಾ ನಡೆಯಿಸಬೇಕಾದುದಿಲ್ಲ.

L T M. Chikkanada Naika

ತಾ|| 16/8/1934.
ಈ ಮೊಕ್ತಾರ್ನಾಮಾ ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.
D V Rama Rao

ಈ ಮೊಕ್ತ್ಯಾರ್ನಾಮಾ ಕೊಟ್ಟವರು
ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.
ಮತ್ತು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿದ್ದಾರೆ.
D V Rama Rao

ವೈದ್ಯಶಾಲಾ ಪವರ್ ಪ್ರೆಸ್, ನಂಜನಗೂಡು.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MUZRAI APPEAL NO: 26 of 1933-34.

Appellants. Vs. Respondent.

1. Gowdike Rudrappa,
   Agara village,
   Yelandur Taluk.

2. Ardhanarappa,
   Mamballi village,
   Yelandur Taluk.

Chikkamadanayaka
of the Parivara caste,
Agara village,
Yelandur Taluk.

SUBJECT.

Appeal against the order of the Muzrai Commissioner in the matter of the celebration of Utsava and Abhisheka to Sri Hindimaramma deity at Agara, Yelandur Taluk from the interest accruing on the Puduvat Fund deposited by the Parivars.

The case was called on Wednesday the 17th October 1934 3 P.M. in Padmalaya, Camp Mysore. Mr. [illegible] Krishnaswami Rao, B.A., B.L., Advocate for the appellants and Mr. D. V. [illegible], B.A., B.L., Advocate for the respondent were present and were heard.

ORDER

Government agree with the Muzrai Commissioner's order and direct that it should be further laid down that the performance of the seva from the interest on the Puduvat Fund deposited by the Parivars should be so arranged as not to clash with the conduct of the Jatra at the usual time. The Deputy Commissioner, Mysore District, may issue necessary instructions that the seva of the Parivars may be performed annually subject to the above condition.

970/Mez 196-33-6 d 8-1-35

Copy to Mr. Krishnaswami

for the appellants. The stay order communicated in this office memo no 1147 of 23-2-34 is hereby withdrawn.

By Order,

Sd/- R.Ranga Rao,

Chief Secretary to Government.

971 d 8-1-35

Copy to Mr. D.V. [illegible], Advocate

for the Respondent.

By Order,

Sd/- R.Ranga Rao

Chief Secretary to Government.

Memo No. 972 Encl + 2 files

Dated, Bangalore, the 8th [illegible] 1-35.

Copy of the foregoing is forwarded, with enclosures, to the ~~xxxxxxx~~ Muzrai Commissioner [illegible] and necessary action [illegible] received with his letter [illegible] April 1934 are returned herewith. The stay order directed in this office letter no 1146 of 23-2-34 is hereby withdrawn.

By order,

for Chief Secretary to Government.

GS

hks.6

20 [illegible]-35

Muz. 21]

[illegible]

Before the Government of His Highness the Maharaja of Mysore.

Muz Appeal No. 26 of 1933-34

Appellants Vs. Respondent

Gowdike Rudrappa
Agara Village –
Yelandur Tk

Arohanarappa – Mambelli
Village – Yelandur Tk.

Chikkamadar...
of the Parivara Ca
Agara Vill-
Yela

Subject.

Appeal against the order of the M.C. in the matter of the Celebration of Utsava and abhisheka to Sri Hindimaramma deity at Agara Yelandur Tk from the interest accruing on the Private Fund deposited by the Parivars.

The Case was Called on Wed 17th Oct at 3 Pm in Padmalaya, Camp – Mysore. Mr S. Krishnaswami Rao B.A. B.L. Advocate for the appellants and Mr A.V. Rama Rao B.A. B.L. Advocate for the respondent were present and were heard.

and direct ~~further~~ that it should be further laid down that the performance of the Seva from the Interest on the Pradhvat fund deposited by the Parivars shall be so arranged as not to clash with the conduct of the Jatra at the usual time - The D.C. Mysore may issue necessary instructions that the Seva of the Parivars ~~is~~ may be performed annually subject to the above condition.

Sd 8-1-35

970/Mez 196-33-6

Copy to Mr S. Krishnaswami Rao, B.A.B.L., Advocate. (Mysore) for the Appellants. The stay order communicated in this office Memo no 1147 of 23.2.34 is hereby lifted

B.O

Sd 3/1/35 for Chi Sec

971 of 8-1-35

Copy to Mr D. V. Rama Rao. B.A.B.L. (Nanjangud) Advocate for the respondent.

B.O

Sd 3/1/35 for Chi Sec

972 Memo + 2 files of 8-1-35

Copy to M.C. for information and necessary action with the intimation that records received with his letter no 1144/33-34 of 2.4.1934 are returned herewith - The stay order directed in this office letter no 1146 of 23.2.34 is hereby withdrawn.

B.O

Sd 3/1/35 For Chi Sec

3/1/35